

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

EVERETT DE'ANDRE ARNOLD,  
KADEN BRADFORD, and  
SANDY ARNOLD,

Plaintiffs,

VS.

BARBERS HILL INDEPENDENT  
SCHOOL DISTRICT,

Defendant.

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C.A. NO.: 4:20-CV-01802

JURY TRIAL REQUESTED

## **JOINT MOTION TO VACATE REMAINING DEADLINES**

Plaintiffs Everett De’Andre Arnold, Kaden Bradford, and Sandy Arnold and Defendant Barbers Hill Independent School District (the District) (collectively, the Parties) file this Joint Motion to Vacate Remaining Deadlines as follows:

1. On March 31, 2023, the Court entered an Agreed Second Amended Docket Control Order. *See* Dkt. 264. The following deadlines are currently remaining:

|                 |                                       |
|-----------------|---------------------------------------|
| June 15, 2023   | Dispositive Motions                   |
| June 16, 2023   | Completion of Discovery               |
| June 21, 2023   | Expert Challenges Deadline            |
| July 28, 2023   | Motions in Limine                     |
| July 31, 2023   | Exchange of Exhibit and Witness Lists |
| August 4, 2023  | Exhibit and Witness List Objections   |
| August 10, 2023 | Joint Pretrial Order                  |

August 11, 2023

Docket Call

September/October 2023 Jury Trial

2. On June 1, 2023, the Court entered an Order granting in part and denying in part the District's Motion for Protection of the Board's Legislative Immunity. *See* Dkt. 282.

3. On June 1, 2023, Barbers Hill Independent School District, Fred Skinner, Dr. Greg Poole, and the District's Board of Trustees filed a Notice of Interlocutory Appeal appealing the Court's Order in Dkt. 282. *See* Dkt. 285. This appeal divests the Court of jurisdiction over the issues addressed in its Order, but does not stay the case in its entirety. *Id.*

4. After the District filed its notice of interlocutory appeal, the Parties agreed to reschedule the remaining depositions of Dr. Greg Poole, Fred Skinner, and the District's 30(b)(6) representative.

5. Because the completion of the aforementioned discovery will be delayed pending the resolution of the legislative privilege issue on interlocutory appeal, the Parties have conferred and request the Court to vacate the remaining deadlines until after the legislative privilege issue is adjudicated to conclusion.

6. The Parties have agreed that pending discovery matters not impacted by the resolution of the legislative privilege issue – including, but not limited to, Plaintiffs' pending requests for admission, 30(b)(6) topics disputes, depositions by written questions to the United States Department of Justice, the deposition of Sara Leon, and pre-motion letters or motion practice concerning discovery matters – should still proceed.

7. Further, Plaintiffs agree to withdraw their previous request to extend the motions deadlines (Dkt. 277), contingent on the Court granting this motion to vacate.

**Prayer**

The Parties respectfully request that the Court grant this Joint Motion to Vacate Remaining Deadlines until the Fifth Circuit Court of Appeals has issued a ruling on BHISD's Interlocutory Appeal.

Respectfully submitted,

/s/ - Patricia Okonta  
By permission – Amy Demmler

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\*Admitted *Pro Hac Vice*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 7, 2023, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send electronic notification of such filing to all counsel of record.

A handwritten signature in black ink, appearing to be 'JLH', is written above a horizontal line.

Attorney for Barbers Hill Independent  
School District